

## DOCUMENT "A"

### MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

May 18, 2007

File Number: 4561-3-1105

1. In accordance with section 6(6) of the Regulation, it has been determined that the undertaking may proceed following approval under all other applicable acts and regulations.
2. Commencement of this undertaking must occur within three years of the date of this Determination. Should commencement not be possible within this time period the undertaking must be registered under the *Environmental Impact Assessment Regulation (87-83)* – Clean Environment Act again, unless otherwise stated by the Minister of Environment.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document (December, 2006), as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this Determination to the Director of the Project Assessment Branch of the Department of the Environment every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent shall apply for, and obtain, any required Watercourse and Wetland Alteration Permits issued under the Watercourse and Wetland Alteration Regulation – Clean Water Act, prior to the commencement of any work located within 30 meters of a watercourse or wetland. Such work includes: a) construction of the lagoon, b) sewer pipe watercourse/wetland crossings; and c) installation of the outfall pipe into the Saint John River. All applications should make reference to EIA File number 4561-3-1105. Please contact Ms. Lisa Martin, Coordinator, Watercourse and Wetlands Alteration Program (506) 457-4850 for further information.
5. At the time of application for a Watercourse and Wetland Alteration Permit to construct the proposed lagoon, the proponent must submit a detailed wetland compensation plan for the new wetland to be created. The appropriate sections of the Proposed Wetland Mitigation Guidelines for New Brunswick (December, 2003) must be addressed in preparing the compensation plan, and the plan must include details of post construction monitoring of the created wetland in the first and third years after its creation. The application and compensation plan should make reference to EIA file number 4561-3-1105. An Environmental Protection Plan (Condition 9) must also be submitted as part of the application for a Watercourse and Wetland Alteration Permit for lagoon construction. Post construction monitoring by the proponent must be completed in the first and third years after lagoon construction in order to evaluate whether wetland function has changed within the remaining natural wetland adjacent to the proposed lagoon. A brief report must be submitted to the

Department of Environment for evaluation after the third year. Further compensation may be required at that time if there is greater functional loss than anticipated.

6. Prior to the commencement of any construction activities, a baseline water quality survey must be conducted for any wells located down-gradient or cross gradient from the proposed lagoon and the new sewer pipe connecting the lagoon to the outfall. Specifically, the proponent must sample any wells (private or communal) located on PID's that are down or cross-gradient from the proposed lagoon ( i.e. 00139832, 00140574, 00140590, 00140616, 00140814, 30102305, 30189211, 30195895, 30201545, 30201552, 30206536, 30228688, 00099358, 00116707, 00116715, 00139337, 00139352, 00139394, 00139410, 00139436, 00142471, 30064869, 30064877, 30201255, 30207989). In addition, the proponent must sample a representative number of wells within 200 m up-gradient of the proposed lagoon (to a maximum of 5 wells). The wells must be sampled for both inorganic parameters and microbiological parameters (E. coli and total coliforms) . The results must be submitted to Project Assessment Branch, Department of Environment.
7. Should blasting be required, the proponent must complete a pre-blast survey of all private wells within 500 m of the proposed work. The survey must include an \*I analysis or equivalent (for information on \*I analysis, please contact Department of the Environment Analytical Services) and a microbiological analysis. Water well construction information should also be collected including the water well report (if available), well depth, casing depth, well yield and static water level.
8. Prior to the commencement of facility operations, or within 1 year of the date of this Determination (whichever comes first) the proponent must prepare and submit to Project Assessment Branch, Department of Environment for review and approval, an emergency response plan for the sewage treatment system, addressing issues including but not limited to proposed responses to spills, electrical failures, mechanical breakdowns, sewer overflows caused by weather events and equipment failures, etc. The plan must include response measures and key contacts, as well as identifying the location of and how to quickly access spill response equipment and resources, particularly after-hours. During construction, the proponent must maintain basic spill clean-up materials, such as absorbent pads and a containment boom, on site. As part of the plan, all spills or leaks must be promptly contained, cleaned up and reported to the local Department of Environment office at (506) 658-2558, during business hours or to the 24-hour environmental emergencies reporting system (1-800-565-1633) after hours.
9. An Environmental Protection Plan (EPP) must be prepared and submitted to the Project Assessment Branch, Department of Environment for review and approval prior to commencement of construction activities. The issues addressed by the EPP must include but are not limited to measures to protect the remaining wetland and watercourses during construction, spill prevention measures, and measures to diminish the risk of introducing invasive species. All applicable mitigation measures found in the Watercourse Alteration Technical Guidelines – New Brunswick Department of Environment and Local Government must be implemented and the appropriate procedures must be followed. Measures described under Items a), b) and c) of the letter from the Department of Environment dated January 26, 2007, measures described in the letter of advice from the Department of Fisheries and Oceans dated January 18, 2007, and measures contained in the letter report by DJ Hood and

Associates dated May 16, 2007 must also be included in the EPP.

10. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Project Executive, Archaeological Services Section of the Department of Wellness, Culture and Sport must be contacted at (506) 453-2756.
11. The proponent must apply for and obtain an Approval to Construct, and an Approval to Operate the sewage treatment facility. As part of the application for the Approval to Construct, a sewage management plan must be prepared and submitted which describes how pipe connections will be made at the time when flows are disconnected from the old facility and connected to the new facility and how pipe connections will be made to the new collection system keeping in mind that raw or partially treated sewage is not to be discharged at any time. For additional information, please contact Tim LeBlanc, Manager, Waste Management Section, Stewardship Branch, Department of Environment at (506) 444-5194.
12. Prior to commencement of construction of the outfall pipe, the proponent must obtain the appropriate lease or permission to occupy Crown Lands from the Department of Natural Resources.